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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

STANISLAS GREGORY MEYERHOFF,)

Defendant.)

No. 06-CR-60078-1-AA ✓

No. 06-CR-60122-2-AA

May 22, 2007

Eugene, Oregon

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE ANN AIKEN

UNITED STATES DISTRICT COURT JUDGE

P.M. Session - Pages 173 - 229

-:-

Deborah Wilhelm, CSR, RPR
Court Reporter
P.O. Box 1504
Eugene, OR 97440
(541) 431-4113

60

APPEARANCES OF COUNSEL

FOR THE PLAINTIFF: KIRK A. ENGDALL
JOHN C. RAY
United States Attorney's Office
405 E. 8th Avenue
Suite 2400
Eugene, OR 97401
(541) 465-6771

STEPHEN E. PEIFER
United States Attorney's Office
1000 SW Third Avenue, Suite 600
Portland, OR 97204
(503) 727-1012

FOR THE DEFENDANT: TERRI WOOD
(Mr. Meyerhoff) Law Office of Terri Wood, PC
730 Van Buren Street
Eugene, OR 97402
(541) 484-4171

RICHARD L. FREDERICKS
Attorney at Law
750 Lawrence Street
Suite 2
Eugene, OR 97401 (541) 343-6118

INTERESTED PARTIES: CRAIG E. WEINERMAN
Office of the Federal Public
Defender
151 W. 7th, Suite 510
Eugene, OR 97401
(541) 465-6937

AMANDA E. LEE
Schroeter, Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104
(206) 622-8000

MARC D. BLACKMAN
Ransom Blackman LLP
1001 SW Fifth Avenue
Suite 1400
Portland, OR 97204
(503) 228-0487

1 INTERESTED PARTIES:
2 (Continued)

JOHN JOSEPH KOLEGO
John J. Kolego, P.C.
804 Pearl Street
Eugene, OR 97401
(541) 484-1066

4 MARC P. FRIEDMAN
Attorney at Law
5 245 West 13th Avenue
P.O. Box 11167
6 Eugene, OR 97440
(541) 686-4890

7 JOHN E. STORKEL
8 John E. Storkel, PC
1415 Liberty Street, SE
9 Salem, OR 97302
(503) 363-6625

10 WILLIAM R. SHARP
11 Attorney at Law
1342 High Street, 2nd Floor
12 Eugene, OR 97401
(541) 345-2002

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1 (Afternoon session, Tuesday, May 22, 2007; 3:16 p.m.)

2 P R O C E E D I N G S

3 THE COURT: Call your next.

4 MS. WOOD: Defense calls Dr. Robert Stanulis.

5 (The witness was sworn.)

6 THE CLERK: Please be seated. And state your
7 name, spelling your last name.

8 THE WITNESS: Robert Gerald Stanulis,
9 S-T-A-N-U-L-I-S.

10 MS. WOOD: Your Honor, we provided the court
11 and counsel with Dr. Stanulis's CV. And without
12 objection, we would offer him as an expert in the field
13 of neuropsychology.

14 MR. ENGDALL: No objection.

15 MS. WOOD: Actually, forensic neuropsychology.

16 DIRECT EXAMINATION

17 BY MS. WOOD:

18 Q. Dr. Stanulis, you conducted an evaluation of
19 Mr. Meyerhoff at defense request. And you prepared a
20 five-page report of your findings, which has been
21 attached to the PSR, correct?

22 A. Yes.

23 Q. What was the purpose of your evaluation?

24 A. The purpose of my evaluation was severalfold.
25 One was to look at who Mr. Meyerhoff was and to explain

1 his involvement in the crimes for which he admitted
2 guilt to.

3 And also to look at future management to look
4 at issues about whether he posed a future danger, to
5 look at personality characteristics that might need
6 managing in a prison setting, and to look at risk of
7 future criminal behavior.

8 Q. Okay. We also asked that you determine whether
9 Mr. Meyerhoff possessed any of the personality traits
10 that psychological studies associated with persons who
11 assume leadership of groups, correct?

12 A. Yes. That was part of the -- trying to
13 understand what his role would and would not be within
14 the group called The Family.

15 Q. Okay. Can you tell us first what are those
16 traits that are associated, through your field of
17 science, with leadership?

18 A. With leadership, you see people who have
19 charisma, who have social skills, who have a need to be
20 dominant, who want to direct others, who get their need
21 for attention met that way. They tend to be more
22 extroverted than introverted. But, again, it's a need
23 to desire to get anointed as a leader and then to direct
24 others.

25 Q. How does Mr. Meyerhoff score on that list?

1 A. Quite poorly. He's, in fact, the opposite.
2 His early upbringing, he's very socially isolated. He
3 doesn't even watch TV, as the presentence investigation
4 points out. He's very introverted. And he is very
5 dependent on others, and tends rather than place himself
6 in the leadership position, his personality is more one
7 of being self-abasing, demeaning, and being submissive.
8 He's also an individual who is uncomfortable
9 with what is culturally described as masculine behavior
10 being the leader.

11 Q. Does Mr. Meyerhoff have personality traits that
12 make him more of a natural born follower than a group
13 leader?

14 A. Yes.

15 Q. The same ones you just discussed?

16 A. The same ones I just mentioned; the need --
17 his -- he has more of a need for affiliation. And when
18 you are a leader, you always run the risk of not being
19 accepted. So his entrance into the group was in the
20 service of his dependent needs, his need for affiliation
21 with individuals and with groups.

22 Q. And do we know whether he had these personality
23 traits that you described, self-abasing, submissive,
24 need for affiliation, do we know whether he had those
25 traits at the time he was involved in this group, which

1 was approximately ages 21 to 24?

2 A. Yes. We have, from his description, and
3 everyone seems to agree, starting at 16 when he really
4 becomes involved with Ms. Gerlach, that he -- and from
5 the mother's description and the PSI, that he's an
6 individual that has always wanted to fit in, never did
7 fit in, and these developed into the personality traits
8 that we see as a young adult.

9 Q. In terms of the history of this particular
10 group of defendants, as recounted in all of the
11 materials that you reviewed about this case, do you have
12 an opinion as to if Mr. Meyerhoff functioned as a leader
13 of this group?

14 A. Yes.

15 Q. Could you tell us your opinion and explain it.

16 A. He wasn't a leader. He is a very competent
17 individual, who wanted very much to be liked and to be
18 accepted. So tasks that he would be assigned, he would
19 do very well. He's a very bright man. But it's not in
20 the leadership, it's in a sense like being a technical
21 wonk, somebody who would advise leadership, who would
22 very much want acceptance from leaders, be a follower,
23 be self-abasing, seek out tasks to please the leader.
24 That's his personality profile. And that would -- could
25 tend to have him look like a leader, because what he

1 does he's going to do very well, but that's not the same
2 as a leadership position.

3 Q. Do you find it significant at all in your
4 opinion that when this group started to fragment and
5 disintegrate over interpersonal squabbles, as described
6 by the government, that Mr. Meyerhoff did not assume a
7 leadership role at that point?

8 A. He didn't assume one, nor did the group anoint
9 him a leader, and say, "Mr. Rodgers is leaving under a
10 cloud, but we want to re-coalesce around you,
11 Mr. Meyerhoff." In fact, they rejected him. He went
12 off, and he did not become a leader. He did not ascend
13 when Mr. Rodgers' star, if you like, fell within the
14 group.

15 Q. Isn't the fact that Mr. Meyerhoff served as an
16 instructor, someone who taught others how to build these
17 timing devices and how to conduct arsons, doesn't that
18 demonstrate leadership traits?

19 A. That demonstrates technical skill, and, you
20 know, he might take some lead in the sense of passing on
21 his skills, but that would be at the direction, again,
22 of others. It would be in an effort to find a position
23 within the group.

24 With Mr. Meyerhoff, the term "the family" is
25 very psychologically apropos. That's what he's really

1 seeking is affiliation within a family, not a leadership
2 position. So he's more into the relationships. And,
3 again, he will try to instruct people with what he
4 knows. He'll take his role seriously, but his role is a
5 follower, not as a leader.

6 Q. Is the fact that Mr. Meyerhoff never committed
7 a crime alone, all by himself, is that significant in
8 terms of his ability to function as a group leader?

9 A. Yes, because he is not modeling. In some
10 groups, you will see that individual crime, for example,
11 in gangs is a very important part of how you become a
12 leader; the willingness to take a personal risk, model
13 what the group should do. So it speaks both to his lack
14 of leadership in that way and also to his future
15 criminality.

16 Q. Another question that the defense asked you was
17 whether Mr. Meyerhoff had any personality traits that
18 the science of forensic psychology has associated with
19 individuals who commit violent acts or who have a
20 propensity towards violence.

21 A. Yes.

22 Q. First, can you tell us what personality traits
23 science has identified as showing a propensity to commit
24 violent acts?

25 A. Yes. The main personality variable we're

1 looking at is in terms of psychopathy; the absence of
2 guilt, the absence of empathy. It will sometimes be
3 called antisocial personality disorder. But it is the
4 individual whose internal impulse control results in
5 acting on violent thoughts rather than controlling them,
6 and whose basic orientation towards society is
7 antisocial.

8 Q. Based on your evaluation of Mr. Meyerhoff that
9 included fairly extensive psychological testing, how
10 does he score in terms of personality traits associated
11 with the propensity to be violent?

12 A. Very low. It's exactly the opposite. He does
13 not have an antisocial personality disorder. He has
14 none of the traits associated with psychopathy. And
15 even his stated motives were in terms of making the
16 world a better place, which is ultimately a pro-social
17 goal.

18 The methodology, he's come to accept, was a
19 criminal one that is not acceptable, but it was -- in
20 terms of his goals, they are very pro-social goals, to
21 improve the environment, make the world a better place.

22 Q. Do any of Mr. Meyerhoff's personality traits
23 give him, in fact, the propensity towards nonviolence?

24 A. Yes. He's an individual who doesn't accept
25 violence. He might -- he's somebody who could be

1 perceived as that because he's very intellectual and
2 will toy with different ideas, and did toy with the idea
3 of violence, but ultimately rejected it, in the same way
4 as he toyed with the idea of using guns as self-
5 protection at the end of the millennium, but ultimately,
6 while acquiring guns, never uses them.

7 So he will toy with ideas, and that's both him
8 and the developmental age he was at when he first became
9 involved with this.

10 Q. Dr. Stanulis, if Mr. Meyerhoff -- well, let me
11 backtrack. Do you know whether he had these personality
12 traits that give him a propensity towards nonviolence,
13 did he have those traits at that time that he was
14 involved in this group, approximately ages 21 to 24?

15 A. Yes, he did have those. He was not violently
16 oriented. He wasn't antisocial.

17 Q. How do you know that from testing that you do
18 now in 2006, 2007?

19 A. Because the tests I tried to use are the ones
20 that look at the persuasive elements of personality that
21 don't change. We try to distinguish between what are
22 called Axis I, which are diagnoses that might change,
23 levels of depression and anxiety; and personality,
24 which, by definition, is the enduring traits across
25 time, across situations.

1 Q. If Mr. Meyerhoff had all of these personality
2 traits associated with being a passive, nonviolent
3 individual, how is it that he could participate in all
4 of these arsons and these other crimes that destroyed
5 property? Doesn't that prove that at least during that
6 period he was a violent individual?

7 A. It proved that he could rationalize that the
8 ends justify the means in a group that -- before he
9 starts, remember, at age 16, he becomes involved with
10 Ms. Gerlach, who has newspaper articles celebrating her
11 arrest for trespassing. This is -- becomes the
12 seduction into the ends meets -- the ends justify the
13 means.

14 Over time, he rationalizes this, that this is
15 an act of civil disobedience, that these are acts
16 designed to make the world a better place; and
17 concentrates on that rather than on the criminality of
18 the actions that are being used.

19 He's in a group that supports that transition.
20 And he's doing that at a time when his brain isn't
21 developed to understand the long-term consequences, and
22 at a time when those kind of ideas are typically tossed
23 around, but there is no voice of reason in The Family
24 that says, "maybe this isn't a good idea."

25 Q. Does the code of the ELF that requires people

1 to take great precautions to avoid injury to humans or
2 animal life in conducting any actions, is that something
3 that would help a person like Mr. Meyerhoff rationalize
4 engaging this type of behavior?

5 A. Yes, because it's dehumanizing the acts. It's
6 not directed at people. It's directed against property.
7 It's directed against ideas. And the goal is, again,
8 pro-social. Who can be against a better world? Who can
9 be against the environment being a better place? And
10 it's justified as an act of civil disobedience.

11 Q. Do you think that the fact that he was, for at
12 least a -- some brief period of time towards the end of
13 this group's existence, advocating escalating tactics
14 and maybe actually using violence against people,
15 doesn't that indicate that Mr. Meyerhoff was a violent
16 person?

17 A. No, it indicates that he was contemplating, but
18 ultimately he didn't go there.

19 The problem with a group like this, or any
20 group where their tactics aren't working, is they can
21 contemplate escalating the tactics, but, in fact, there
22 is no evidence he actually escalated. He didn't start
23 carrying a gun, none of the things that were talked
24 about were carried out into action.

25 Q. Then you've heard the government talk about

1 Mr. Meyerhoff agreeing to drive Mr. Dibee to do a
2 reconnaissance of Jonathan Paul's property, knowing that
3 Mr. Dibee had been talking about wanting to kill
4 Mr. Paul; and, in fact, Mr. Dibee brought a gun with him
5 for protection, doesn't that show that Mr. Meyerhoff was
6 willing to take steps towards violence?

7 A. Not necessarily. It could. But one when looks
8 at it, it's really Mr. Dibee who has the gun, who has
9 the beef, and it's Mr. Meyerhoff who aborts the mission.

10 And unlike some of the arsons, does not go back
11 and do it again. In fact, he reports being quite afraid
12 of Mr. Dibee and going along, which is consistent with
13 his personality profile of someone, when scared, who
14 will go along with, and, in fact, did try to go along,
15 but then used his skills, in that case, to say, we --
16 "law enforcement has seen us, we better back off," but
17 he never goes back.

18 Q. Dr. Stanulis, in the court determining how long
19 of a prison sentence to impose in this case, the court
20 is required to consider the need for punishment, to
21 protect the public from future crimes by the defendant.
22 Given that factor, we've asked you to evaluate
23 Mr. Meyerhoff's risk of recidivism as he sits here
24 today, correct?

25 A. Yes.

1 Q. I want to ask you first, have psychologists
2 reliably identified personality traits that increase the
3 risk of recidivism?

4 A. Yes.

5 Q. Can you tell us what those traits are.

6 A. We've talked about them already in terms of
7 psychopathy: The absence of empathy, the absence of
8 guilt. When these -- these are unique criminal
9 activities and they are not for personal gain. These
10 are for gaining for other people.

11 As was pointed out, the living a meager
12 existence in order to better the world while committing
13 criminal acts, these are all things that argue against
14 future criminality.

15 And that he's acted on, because he went back to
16 college and was, again, acting in pro-social ways
17 consistent with that making the world a better place by
18 working in the area of biomechanical engineering, making
19 better prosthetic devices, and being interested in that,
20 microelectronic technology to better the lives of
21 disabled people.

22 Q. Does Mr. Meyerhoff's ready admission of guilt
23 and waiver of counsel and immediate cooperation with the
24 government, does that tell us anything from a
25 psychological standpoint in terms of his risk of

1 recidivism?

2 A. Very much. He's not engaging in -- we always
3 talk about criminal thinking. He's not blaming other
4 people, saying, "I made the choices." He's coming
5 forward and accepting responsibility and operating out
6 of guilt.

7 Q. This -- I wasn't sure, is his age a factor in
8 terms of risk of recidivism under the psychological
9 literature?

10 A. Yes, for criminals, age -- as you get older,
11 the risk of recidivism goes down. He's already gone
12 several years without any recidivism. And has rejected
13 the motivation. So he's now -- he's a little unique
14 that the work we rely on on criminals, are individuals
15 who are not politically motivated, as these activities
16 were.

17 Q. There was some brief discussion in my
18 sentencing memorandum regarding frontal lobe development
19 and whether or not that would be correlated to
20 Mr. Meyerhoff's involvement in this group.

21 Do you have any opinion or insight on that that
22 you could share briefly with the court?

23 A. Yes. At the time that Mr. Meyerhoff became
24 involved, the new -- I guess I should back up. The
25 newest development that we have is for years we've

1 known, as developmental psychologists have always
2 pointed out, that through the teenage years there is the
3 development of a new skill, the ability to anticipate
4 future consequence in a meaningful way. Any parent
5 knows that's what makes parenting of a teenager
6 difficult. They are notorious short-run creatures who
7 don't appreciate long-term consequences.

8 More recently, with the development of imaging,
9 we are able to now know that frontal lobe development is
10 not completed until age 22 to 24.

11 This science is mature enough that it was
12 relied on by the US Supreme Court in the case of *Roper*
13 *versus Simmons* as a reason why not to execute
14 individuals under 18, because, again, of the inability
15 to anticipate the decisions that one is making and the
16 potential long-term consequences.

17 It's at a period of undoubted lack of frontal
18 lobe development at age 16, with a very strong need for
19 affiliation, that he begins to be enticed into the
20 movement through his relationship with Ms. Gerlach. And
21 that is the gradual thing.

22 We also are aware that this is an explanation
23 for why risk-taking behavior is maximum between ages of
24 18 and 22, a combination of increased freedom with a
25 failure of the frontal lobes to complete their

1 development. And it's noteworthy his lack of
2 involvement and dropping out of the movement is
3 correlated at the time when -- around 24, 25, when
4 that's the upper end of when we believe frontal lobes
5 complete the neurological development. They are still
6 undergoing software training, if you like, but the
7 hardware of the brain is not completely wired until
8 around 22 to 24.

9 Q. So when Mr. Meyerhoff tries to explain why it
10 was he turned away from this movement at about age 24
11 and sometimes gets at a loss for words and says, "I grew
12 up," that is actually a scientific --

13 A. That's a neurological fact.

14 Q. What about the saying that past behavior is the
15 best predictor of future behavior, and so given the
16 large number of crimes that Mr. Meyerhoff has committed,
17 we can predict there is a risk he will reoffend?

18 A. Well, actually that statement is not a complete
19 one, because it comes out of the behavioral literature
20 that says we have to know what reinforcers are.

21 In fact, Mr. Meyerhoff, by quitting his
22 involvement with The Family, learned and gets reinforced
23 for affiliating not only by pro-social goals, such as
24 school, but pro-social means. So he is getting the same
25 needs for affiliation, for making the world a better

1 place that were motivators for involving himself with
2 The Family, met through pro-social means as well as
3 pro-social goals, through the act of maturation and
4 choice.

5 Q. Dr. Stanulis, another factor the court has to
6 consider and that the government mentioned is a factor
7 in justifying its sentencing recommendation for
8 Mr. Meyerhoff is the need for the sentence to deter
9 others from committing similar crimes in the future.

10 I want to ask whether you have an opinion,
11 based on the science in your field and your knowledge of
12 the ELF/ALF ideology from this case, as to whether a
13 long prison sentence is likely to deter future crimes by
14 members of those groups?

15 A. Yes.

16 Q. What is your opinion?

17 A. It doesn't. As even Mr. Meyerhoff and his --
18 The Family did, the arrest of Mr. Luers was a
19 motivation.

20 The problem with this it's not truly criminal
21 behavior, but it's a belief system in the righteousness
22 of the civil disobedience. So prison sentence doesn't
23 necessarily deter. It can serve as a motivation, in
24 fact, by creating a martyr. The true believers are not
25 deterred by punishment. This is one of the problems we

1 have to deal with in our society.

2 Q. And is this just your opinion or are there
3 actual studies in your field that back this up?

4 A. There is actual studies that are actually
5 looking at people who engage in political motivated
6 violence to look at that -- to try to classify them, so
7 that you know who you are going after.

8 And the recognition is that the true believers
9 are not the people that are going to change based on
10 punishment, but that is a motivating factor.

11 It illustrates to them the need to go forward
12 with the act of civil disobedience or criminal behavior
13 to change the corrupt society. It's a proof of their
14 own thesis. So the punishment doesn't deter. It, in
15 fact, inflames.

16 Q. A final factor that the court needs to consider
17 in deciding the sentence is the likely impact of
18 incarceration on Mr. Meyerhoff's rehabilitation.

19 Now, you've heard us claim and present
20 testimony, in fact, that Mr. Meyerhoff is at high risk
21 for physical and sexual assault in prison. Do you have
22 an opinion based on his psychological evaluation as to
23 whether this is correct, that he is at high risk?

24 A. Yes, he is. In fact, I have a slide, if we
25 could put that up, on the characteristics of individuals

1 who are raped in prison. Yeah. What I have up here is
2 the prison rape victim characteristics that -- there is
3 much research that came out of this because of the
4 prison reform or Prevention of Rape Act of 2003.

5 This is a compilation of the factors that the
6 research has shown to be correlated or to be risk
7 factors for being a victim.

8 I put Mr. Meyerhoff's characteristics in red.
9 And as you can see, he possesses a number of those
10 characteristics. We heard earlier testimony about one
11 of those he also does, which is snitch. But the small
12 size, physically weak, white, first-time offender, and
13 individuals unassertive, unaggressive, shy,
14 intellectual, and not street smart or smart, passive --
15 or passive, these are the characteristics of individuals
16 who are targeted, who are prey within the system. These
17 are the people where their best skills simply don't
18 work.

19 Q. Can you tell us what are the common
20 psychological injuries or damage caused by sexual
21 assault of inmates.

22 A. Well, it's devastating because, as you heard,
23 there is no way out. The choice is to give up freedom
24 or to continue to be assaulted. So there is no real way
25 to gain control of it. And the prospect is not a one-

1 time event, but an ongoing assault by a person or group
2 of people. And the knowledge everyday you are walking
3 around the prison, you're either prey or voluntarily
4 giving up all of your freedoms, and essentially, with
5 minor variation, being treated as somebody who has been
6 acting up in prison, 23 hours a day in a cell, treated
7 as if you were the perpetrator or predator for your own
8 protection.

9 Q. So let's talk for a minute about administrative
10 segregation, because it seems like he's destined to end
11 up in that type of a setting unless he gets a low
12 security designation.

13 Do you have an opinion, based on
14 Mr. Meyerhoff's personality traits and the psychological
15 studies of the effects of isolation, as to how very
16 restrictive isolating conditions of confinement would
17 affect Mr. Meyerhoff?

18 A. Yes.

19 Q. Can you tell us what your opinion is and then
20 explain the basis.

21 A. Well, twofold. We haven't talked that
22 Mr. Meyerhoff is -- suffers from some degree of
23 depression and anxiety. He's prone to that. Isolation
24 and the fact that whatever you do doesn't work is
25 actually our model for depression. It's called learned

1 helplessness. Whatever you do you are in trouble. The
2 colloquial damned if you do and damned if you don't.

3 Isolation allows one to sit without anybody to
4 tell you that there is hope. Factually, there is little
5 hope because you either choose to continue to be
6 assaulted or continue to choose isolation. So the risk
7 of depression, the risk of suicide, increases.

8 Mr. Meyerhoff told the PSI writer he struggled
9 with suicide on a regular style of thinking. So that's
10 the effect that we would expect to see with him. More
11 avoidance, more isolation, leading to greater
12 depression, greater anxiety, and the risk of suicide and
13 hopelessness increasing.

14 There is also, obviously, the long-term risk of
15 changing his mind if, in a good-faith effort to pay for
16 his crimes that he freely admits and acknowledges, the
17 punishment becomes so severe that he can't tolerate
18 being alone, become so depressed, it runs the risk of
19 radicalizing him again, I suppose.

20 But certainly just from a psychological
21 perspective, we would want to be very concerned about
22 him becoming suicidally depressed or acting on that.

23 Q. I want to go back to this, because I don't
24 think we talked about it in terms of psychological
25 damage from sexual assault. We're used to people that

1 have been sexually assaulted in society, they go to the
2 police and get some measure of justice, suffering from
3 posttraumatic stress disorder and other type of, you
4 know, genuine psychological injury from that. And I
5 want to ask if you can tell us, is that common with
6 inmates that are sexually assaulted?

7 A. Yes. That's what they struggle with is because
8 the posttraumatic stress disorder becomes adaptive in
9 that they can become hypervigilant, to be running high
10 levels of adrenaline and cortisol and elevated stress
11 levels causes physical damage.

12 In fact, we have research that indicates
13 that -- from Vietnam vets -- that posttraumatic stress
14 disorder leads to changes in the hippocampus of the
15 brain causing actual brain changes that is permanent.

16 So the risk is a permanent psychiatric disorder
17 that, again, is -- can be managed with some treatment,
18 but normally when we treat people on the street, we can
19 get them out of a dangerous situation. We can tell them
20 that their hypervigilance is maladaptive, that they are
21 safe again, that that was a one-time event when the guy
22 came out of the bushes.

23 That's harder to say in the prison when there
24 is a group of people who are predators, who would regard
25 Mr. Meyerhoff as prey and would constantly seek him out.

1 Q. Well, we know that, you know, many, many people
2 go to prison, and many get out everyday, without having,
3 I guess, become psychotic. Is there anything about
4 Mr. Meyerhoff that makes him more vulnerable to lasting
5 psychological injury or damage from a lengthy
6 incarceration than the average inmate --

7 A. Yes.

8 Q. -- based on his psychological makeup?

9 A. Yes. His introversion, his tendency to think
10 funny already could become maximized and go into a
11 full-blown psychosis. He's also an individual who is
12 not typical for a criminal. He doesn't engage in the
13 criminal thinking errors of blaming others now.

14 And he's also -- we have the problem of the
15 delayed punishment. This is always the troubling part
16 when -- is that he's being punished for crimes that he
17 has renounced, at a time when he, in the words of the
18 PSI writer, was a well-adjusted college student. And
19 that's when he's being punished. So that makes him
20 unique in the prison system, again -- because, again,
21 his crimes were not for personal gain in the typical
22 criminal sense of for the money, to get back at someone.
23 This was in the service of political ideals.

24 Q. The type of long-term, if not permanent,
25 psychological damage that he could suffer either as a

1 result from sexual assault, isolation to protect him
2 from physical or sexual assault, or a combination of
3 those factors, on a sentence that may be almost
4 16 years, even 10 years, do you have an opinion as to
5 how that would likely affect Mr. Meyerhoff's ability to
6 become a productive member of society upon release and
7 start paying the \$18 million plus restitution that is
8 another penalty in this case?

9 A. Most will work against that. And that's the
10 other part of this tragedy, is for whatever period of
11 time that he is sentenced, Mr. Meyerhoff is a very
12 unusual individual. He has the highest IQ of any
13 criminal that I have ever evaluated at 140. This is
14 genius level, top 99.6 percentile, meaning that he
15 scores higher than 99.6 of the general population, the
16 kind of individual that we would expect could succeed at
17 any academic level, so that promise isn't going to be
18 reached in a prison setting where he's running from the
19 designation as a snitch, where his very intellectual
20 abilities are a risk factor for being assaulted, are
21 not -- are maladaptive in a prison setting.

22 So all the things that helped him succeed in a
23 school setting work against him in the prison setting.

24 MS. WOOD: That's all I have, Your Honor.

25 THE COURT: Mr. Engdall.

CROSS-EXAMINATION

BY MR. ENGDALL:

Q. Dr. Stanulis, would you agree with me that there are many characteristics which may indicate leadership, one of which may be the ability to select projects to be completed by a group and to recruit others to complete that project?

A. Again, that -- the way I distinguish that, that could be a characteristic of leadership or that's a characteristic of a policy wonk who's used by the group for a specific area of skill, but is not a leader, but is knowledgeable in one area.

Q. That could be a characteristic of leadership; is that correct, Doctor?

A. Yes, it could.

Q. Thank you. Another characteristic of leadership would be able to delegate tasks to others; is that correct?

A. Yes.

Q. And another characteristic of leadership would be able to show others how to accomplish those tasks; is that correct?

A. Yes.

Q. Thank you. You, I believe -- and I don't want to misstate what you said, but you told us that just

1 because a person advocates the use of violence, that
2 doesn't mean that person is a violent person; is that
3 correct?

4 A. That's correct.

5 Q. Would you consider, and would you agree, that
6 arson and murder are violent acts?

7 A. Well, murder certainly is. Arson, again,
8 depends on how you direct it. I've seen, obviously this
9 case, where there is great efforts not to hurt people.
10 And I've seen arson where the goal -- where the doors
11 were blocked and the goal was to kill people. So arson
12 kind of is more of a definitional matter. Murder,
13 clearly, is a crime of violence.

14 Q. Could arson be a violent act, Doctor?

15 A. As I said, I have seen it as a violent act --

16 Q. The answer to the question --

17 A. -- whose purpose was to be violent.

18 Q. -- is yes?

19 A. Yes.

20 THE COURT: Okay. Stop. We're not going to
21 talk over the voices of one another and make the court
22 reporter work way harder than she needs to.

23 MR. ENGDALL: Thank you, Your Honor.

24 THE COURT: Finish the answer, then ask the
25 next question.

1 BY MR. ENGDALL:

2 Q. Also, I believe that you said that nonviolent
3 people can commit violent acts; is that correct, Doctor?

4 A. Sure, anyone is capable of a violent act.

5 Q. In your opinion, Doctor, how many violent acts
6 must be an individual commit before, in your opinion,
7 they are considered violent people?

8 A. I'm not sure how to answer that. I think,
9 again, I consider violent to be the acting out a violent
10 thing that hurts other people. Legal definitions can
11 vary where burglarizing an empty house would be legally
12 defined as a violent act. Generally in the
13 psychological literature that wouldn't be considered a
14 violent act. It would be considered a crime against
15 property.

16 So, again, it's back to that issue, and it's
17 also a matter of the situational variables, for example,
18 a prisoner who gets into a number of fights in
19 self-defense, we'd have to look at the situational
20 variables and say that person may have many, many fights
21 but not be a violent person. Where a predator in a
22 prison may get into the same number of fights and be
23 regarded as violent because of the personality structure
24 and the initiation of it, and that their goal is to hurt
25 people.

1 Q. If we were to use your definition of a violent
2 act, whatever that may or may not be, Doctor, how many
3 violent acts would a nonviolent person have to commit
4 before they'd be considered a violent person?

5 A. I don't have a break line, because, again, it
6 depends on the situations, it's not just the acts, it's
7 the circumstances and the motivation.

8 MR. ENGDALL: Thank you, Doctor. No further
9 questions.

10 MS. WOOD: Nothing further, Your Honor.

11 THE COURT: May this witness be excused?

12 MS. WOOD: Yes, Your Honor.

13 THE COURT: Free to go. Call your next.

14 MS. WOOD: Your Honor, that's all the sworn
15 witnesses we have. We do have the people that would
16 like to address the court and a short video clip.

17 THE COURT: That's fine. Do you want to do the
18 video clip first?

19 MS. WOOD: Well, we're going to alternate,
20 Judge, because we'd like to first ask Dr. Bruce Emerson
21 to address the court.

22 Dr. Emerson, if you could come forward to the
23 podium, and once you get there, state your name, and
24 spell your last name for the court reporter.

25 DR. EMERSON: My name is Bruce Emerson,

1 E-M-E-R-S-O-N. I have a Ph.D. in physics. And I am the
2 physics and engineering advisor and instructor at
3 Central Oregon Community College for the last 14 years.
4 In that capacity, part of what I do is evaluate my
5 students for their future careers, for their future
6 career paths, and my recommendations. And in that
7 context, I'd like to offer my snapshot of the year and a
8 half or so that Mr. Meyerhoff was at COCC as an
9 engineering and physics student.

10 First, from an academic perspective, as a
11 previous witness said, Mr. Meyerhoff is a bright guy.
12 He's full of curiosity. He was awarded the outstanding
13 science student award at COCC for the breadth of his
14 curiosity, not just the narrowness of his curiosity.

15 He's also been consistently successful in all
16 of his academic pursuits. I think it's important to
17 note that in his context, one of the topics we cover in
18 the classes that he took with me is electronics and
19 electronic theory. And in that regard, he showed normal
20 sorts of developments typical of students of mine in the
21 past who have developed their skills through personal
22 reading or through introductory high school courses, but
23 nothing beyond that. Certainly very appropriate, but
24 not outstanding.

25 In my conversations with Mr. Meyerhoff through

1 advising meetings, through meetings in and out of class,
2 I would say my experience of him is as someone who is
3 deeply committed and passionate about his beliefs and
4 what he's trying to do both in terms of his personal
5 development and in terms of developing support for the
6 world.

7 He came to us originally -- in my first
8 conversations with him, one of the things I was very
9 stuck by was his actual sense of personal dis-
10 empowerment, his sense that, in conversations, that
11 nothing he could do would impact the world around him;
12 that he would have the motivation to do so, but the
13 world won't listen.

14 And over the course of the two years that he
15 was with us, what I saw was an actual, clear development
16 in his thinking, in terms of those conversations, to a
17 place where there was some reason to go forward, where
18 he felt like he could see a path to affect the world in
19 a positive way.

20 And, in fact, in my experience as a teacher and
21 15 years at COCC, I actually only hope to touch one or
22 two students a year who actually make changes in how
23 they think. It's much more common that we change how --
24 what they know, but we don't change how they think. So
25 the evolution of his thinking as a human being seems to

1 me to be very important in this context.

2 I think I'd like to comment just briefly,
3 because one of the things I get to do as a teacher is
4 watch my students in a variety of contexts where they
5 operate in small groups both in the laboratory, and in
6 homework sessions, and in other group activities that we
7 do in class, that I am routinely asked to comment on the
8 leadership potential of my students when writing
9 recommendations for engineering schools, as I did for
10 Mr. Meyerhoff. And I have to concur with the previous
11 witness who said that in my experience, what I saw was a
12 dedicated member of the group, somebody who worked very
13 effectively on the tasks that came before the group, who
14 had a tendency to take the task off and work on it
15 individually, and then bring it back to the group, but
16 who never, in the two years that I watched him, said, "I
17 think the group should go here."

18 And in reviewing my letters that I've written
19 both to the court and to this process, I realize that I
20 have never said this is somebody who shows significant
21 leadership. Different than saying that if I assign him
22 a task, that he won't execute the task with great
23 deliberation and commitment, that will happen always,
24 but the sense of taking hold of the reins of control and
25 taking the group someplace where it wasn't going, I

1 never observed that in my time.

2 The last thing I'd like to say, because I'm
3 trying to keep it very short because the court is busy,
4 that the issue of mitigation and the opportunity for
5 rehabilitation and returning someone to active and
6 productive life in society is part of what motivates me
7 to stand up here today, because I perceived from my
8 experiences that Mr. Meyerhoff has that potential: He
9 has the intellectual skills, he has the thinking skills,
10 and he has the technical skills to accomplish that.

11 And in my own life, it's important to
12 acknowledge that I have sat where Mr. Meyerhoff is
13 sitting right now, having pled to a felony, and having
14 been looking at mitigation as the only way for me to
15 return to an active, useful life, and contributing to
16 society. And I would say from my personal experience,
17 from my personal experience, that the things that were
18 critical to me in successfully negotiating that path and
19 coming back and providing 15 years of what the
20 institution clearly perceives as more than satisfactory
21 service as a teacher, indicated by my award, the
22 outstanding faculty achievement award, and other
23 significant leadership roles at the college, is, first
24 and foremost, having acknowledged responsibility for my
25 actions, which I've seen Mr. Meyerhoff do consistently

1 since his arraignment, that there is a commitment to
2 personal growth. That, for me, there was no possible
3 way of moving forward unless I was committed to change
4 in my own life. And I see that commitment in
5 Mr. Meyerhoff.

6 And, finally, that there needs to be something
7 that I can do. It's not enough to really wish to make a
8 contribution, but to actually have the skills to do so.
9 And, again, I see that Mr. Meyerhoff has those skills in
10 the technical sense to both move forward in his own life
11 and move forward and contributing back to society.

12 So thank you very much for this opportunity.

13 MS. WOOD: Your Honor, we'd like to just show a
14 short video clip from professors at the community
15 college who elected to do it that way instead of taking
16 a lot of the court's time.

17 (Video played.)

18 MR. FREDERICKS: We'll call John Givot to
19 address the court. Come on forward and state your name,
20 and spell your last.

21 MR. GIVOT: My name is John Givot, G-I-V-O-T.
22 And I lived with Stan, during the same period as all
23 these professors are speaking of him, in Bend. And I
24 met him kayaking on the river. And I remember him being
25 energetic, always had a smile. I was -- I got a

1 chance -- I needed a place to live. I got a chance to
2 live with him.

3 Actually, first, sorry, I should introduce
4 myself. I'm a grad student at the University of Oregon.
5 I'm studying journalism now.

6 So at the time I was working at Windward
7 Performance building airplanes. And I ended that job
8 and was working construction when I moved in with Stan.
9 And he got me excited again about getting back into my
10 science. I have an undergraduate degree in physics.
11 And I started working on a project I had left off. Just
12 seeing him so motivated, got me back into it.

13 And seeing all the professors speak, I can
14 corroborate that other students were sometimes mad at
15 him for setting the curve too high on their tests. And
16 he was -- he was always working hard. He drove himself.
17 He had an employer over the summer working -- building
18 fences who said he was the hardest working employee he
19 had had. I just remember hearing that.

20 One of the professors got him to come and
21 volunteer for a science project with some high school
22 kids, and he got me to come along.

23 I moved in with Stan, he's a guitar player,
24 he's a great musician. He won't admit to it but he
25 sings really nicely. He was always willing to show the

1 rest of us how to play. And he was also into learning
2 on his own outside of school. He subscribed to
3 magazines like *The Economist*, and *The Nation*, listened
4 to NPR while he cooked breakfast. He would bring
5 articles home.

6 I remember one was on the Green Zone. And he
7 didn't have any judgment against the government on Iraq.
8 We were just, you know, talking about what it was like
9 in the Green Zone.

10 Let's see, Stan was also introspective like
11 other people have said. And I just kind of jokingly
12 referred to him as wise. He would talk about -- I was a
13 couple of years younger, and he'd talk about, oh, in a
14 couple of years, you'll figure out what you're doing,
15 and you'll go back to school. And kind of looking at
16 his own life, he kind of knew where I would be, and he
17 was right, and with relationships in general.

18 Something Stan talked about, we used to have
19 talks, just hang out on the front porch, and Stan wanted
20 a place in the middle class. And that was something he
21 talked about a couple of times. And our other roommate
22 also remembers him having a discussion like wanting a
23 place in the middle class. And engineering was how he
24 was going about that, studying in school.

25 And since then, I didn't know about his past

1 until I read about it in the newspaper. You know, he
2 kind of talked about how he had had problems before and
3 been on his own and kind of semi-homeless and kind of a
4 floater. And I could see a conscious change in his
5 direction, that he was going back to school and making a
6 purpose or had a purpose for what he was doing. And
7 that was a shift. I didn't know how big a shift it was
8 until I heard later.

9 I've never seen Stan be violent. I didn't know
10 him during the time he committed these crimes, but when
11 I knew him, he wasn't violent at all.

12 Something that Stan has spoken to me recently
13 about and written to me in letters is he's scared that
14 if he's in jail too long, he won't be able to come out
15 and be productive and follow the dreams that he's been
16 working towards, he says. That's just one of his fears
17 that he shared with me.

18 Something else he shared with me, recently, in
19 jail, is that he wanted to do engineering, and work with
20 people, and poor people. And civil engineering is one
21 of the things I remember talking about when I was living
22 with him. And I asked him recently, and he told me that
23 he didn't -- he'd given up the environmental movement.
24 He'd had his time there. And he wanted to work with
25 people and give back to people.

1 And, yeah, I have just seen that change in him,
2 like everybody else has talked about also.

3 MS. WOOD: Your Honor, we would like, at this
4 time, to show a brief video of Mr. Meyerhoff's family
5 and friends that are outside of the country and outside
6 of this area.

7 I just want to note for the court that one -- I
8 think the last speaker on this tape, Dr. George Addair,
9 suffers from advanced Parkinson's disease, and was just
10 recently out of the hospital at the time he appears on
11 the video, so he appears a little stiff, but it's due to
12 medical conditions.

13 (Video played.)

14 MS. WOOD: Your Honor, we would like to call
15 France Meyerhoff, Mr. Meyerhoff's mother.

16 Mrs. Meyerhoff, before you start -- her name is
17 spelled the same as Mr. Meyerhoff, so you are probably
18 okay just to go ahead and start.

19 THE REPORTER: The first name, though.

20 MRS. MEYERHOFF: France like the country,
21 France. I'm Stan's mother. And I live in Arizona.

22 Thank you, Your Honor, for allowing me the
23 opportunity to address the court, and to share my
24 thoughts and feelings about Stan and the situation he's
25 put himself in.

1 Again, bear with me, it's very difficult to
2 talk about this unique situation. My mind is frozen.
3 I've actually been in a stupor since Stan's arrest. It
4 is overwhelming because Stan is my only son. I've been
5 a single mother since he was seven. Actually, I did
6 take all the decisions -- made all the decision, took
7 all the responsibilities even when we were married.

8 All or most parents have a close relationship
9 with their children, but I think 29 years of hardship,
10 struggling, and striving for beauty and a better world,
11 I've created this particularly deep bond between us, the
12 bond that's still carried to today. And even during the
13 crimes time, we were still in contact.

14 A difficult life in our family life was the
15 fact that Stan was very sick when he was young, has
16 fairly deepened our bond. I don't mean to tell you a
17 sad story, but I just wanted to stress that for the past
18 29 years, I've had a single focus of Stan. I've never
19 remarried. And as poorly -- as much as I didn't back
20 him up when he needed it, because I didn't understand,
21 I've done my best to provide for him and to give him a
22 future. We're very close. And when you sentence him,
23 Your Honor, you sentence me as well.

24 With his incarceration, my health has been
25 jeopardized, my sanity as well. I have become an

1 emotional wreck, as is pretty obvious. After a couple
2 of mini strokes, much sleep deprivation, my nervous
3 system is shattered, and my mental abilities have been
4 shattered, too. It has all transferred to my body to
5 the point where my practice, my professional activity
6 has been reduced by about half.

7 I wouldn't even be able to talk to you today if
8 I hadn't had to take some medication to control my
9 anxiety and my depression, something I've never done
10 before.

11 It's one thing to have something happen to you,
12 but it's another to have something happen to your son,
13 and there is nothing you can do. Can you imagine the
14 horror of waking up every morning to the thought of a
15 son who can be raped, beat up, or murdered, and live the
16 whole day with this? Can you fathom the anguish of
17 being -- listening -- hearing the phone call or not
18 call, because Stan only tells me about half of what he
19 is going through.

20 He's the one to care for me, to watch over me.
21 I've become very emotionally dependent on him. And it
22 probably won't take very long before I get financially
23 dependent on him.

24 If Stan serves six, seven years of prison, I'll
25 be 70 by that time. I will need him at all levels. As

1 I said, he's my only son. And he's the only one who
2 will take care of me.

3 Your Honor, with that said, what carries us
4 through life is a set of values, a sense of integrity, a
5 sense of participating to a group, to society, in other
6 words, to be of service. Stan has done some terrible
7 deeds. He's taken a big detour, a detour where he has
8 hurt many, but now he's gone out, he's taken full
9 responsibility for his act, and he's done that a long
10 time ago. He's now on the path of giving and
11 contributing.

12 Stan couldn't have come to realize the folly of
13 his deeds, he couldn't have been the first one to come
14 out of the group, he couldn't have been the first one to
15 be -- could have been having so much remorse, that
16 people saw there was something, and there is so much
17 wealth engaged in repaying if he didn't have his heart
18 in the right place. Long, long before his arrest, years
19 before his arrest, he chose to become the intelligent,
20 the very giving, the genuinely compassionate person that
21 everyone knows him to be. And so he is ready to
22 contribute. He's proven it. And to think if nowhere
23 else, he's proven it in the past year with his behavior
24 in prison.

25 Your Honor, we know many people, many people

1 who during this time that's a hinge time, during this
2 period where you -- there is passage between child --
3 between adolescence and youth and adulthood, many people
4 have done many wrong deeds, have gotten themselves in
5 big personal trouble, only to become, once they were
6 adults, only to become brave men, people who have
7 leading us, people who have discovered all kinds of
8 things. Stan is like that.

9 Your Honor, I beg you to show mercy on Stan and
10 on me. His life and my life are in your hands. Thank
11 you for listening.

12 MS. WOOD: Your Honor, the last person to
13 address the court would be Dr. Ziegler.

14 And, Dr. Ziegler, we have a new court reporter,
15 so if you could just speak your name and spell your last
16 name.

17 DR. ZIEGLER: My name is Zelda Ziegler. That's
18 Z-E-L-D-A; Ziegler, Z-I-E-G-L-E-R.

19 First of all, Your Honor, I want to thank you
20 for allowing me to speak again, only this time on behalf
21 of the person that Stan is.

22 I'm here to help you understand the truly
23 remarkable person he is. As you know from the letters,
24 I've sent lots of letters, I met Stan when he was a
25 student in one of my large courses at the community

1 college. I quickly became aware that he was a
2 remarkable student, but I sensed that he had some very
3 unfortunate circumstances in his past.

4 I chose to be an advocate for Stan before his
5 arrest. After his arrest, I reassessed that decision,
6 and came up with the same result: I still believe in
7 Stan.

8 There would not be enough time to allow all the
9 people who wanted to speak in support of Stan to be here
10 today -- to speak today, yet some of them are actually
11 here. But I am a representative of basically the tip of
12 an iceberg.

13 Some of these people are here. You may have --
14 Karen Huck was here earlier, Dr. Huck. Dr. Higginbotham
15 is here. Dr. Emerson is here. Edla Schappell
16 (phonetic), a colleague of mine, knows Stan from a
17 science fair assignment that Stan met him in. There are
18 lots of people who couldn't be here, but their support
19 and concern is real.

20 I suspect you've already read the letters, and
21 I'm here to confirm that as of yesterday, they are still
22 behind Mr. Meyerhoff.

23 Since Stan's arrest, his former classmates,
24 people he worked with on campus jobs and internships had
25 sought me out to find out how to come to his aid. Some

1 of them are here today. All have written letters. All
2 have been unflagging advocates of Stan throughout his
3 time in detention. They do this because they all
4 understand Stan's potential and value his positive
5 qualities.

6 It is no understatement that Stan has made a
7 positive impact on a very large number of people. He
8 continues to do that.

9 It's one thing to make a statement in court on
10 behalf of someone, but I think it's also important for
11 you to know the full extent to which I and others have
12 gone to help this man out.

13 Here is what I've done for Stan since his
14 arrest: In one of our ongoing conversations, Stan told
15 me that he grieved the loss of the opportunity to finish
16 his degree. He said he finally felt like he was heading
17 in the right direction, could see the path of his goal
18 of a degree in neurotechnology. These are the
19 biomedical devices that Dr. Stanulis was talking about.
20 It's a very difficult and interdisciplinary and exciting
21 field of engineering. He was arrested -- when he was
22 arrested, he despaired that this was never going to
23 happen.

24 I suggested that perhaps if he cannot get the
25 degree that he really wanted, but that that didn't mean

1 that he could not finish something. I knew that he had
2 been fairly close to an associate's degree. When I
3 learned of his being placed in 22-hour lockdown, I was
4 both relieved at his improved safety and I was also
5 concerned what the isolation would do to his mind. I
6 was afraid of the light going out.

7 I knew that his active mind could not last
8 under such conditions. And I made a conscious decision
9 to do my best to see to it that he was not going to be a
10 lost cause.

11 As a result of this decision, and the depth of
12 the belief I have in Stan and his potential, I have, for
13 the last ten months and probably longer than that, put
14 in about eight hours per week of my time on his behalf
15 to support his efforts to complete his first degree. I
16 have a full-time job and I did this voluntarily.

17 I was not forced. I wasn't coerced or tricked
18 to do any of this. Stan and I discussed the limits of
19 what I would do. He gratefully agreed and has honored
20 that word.

21 The help I gave included locating courses that
22 would satisfy his remaining requirements, assisting in
23 getting him registered, locating course materials,
24 securing permission to photocopy that material so that I
25 could resubmit those materials in the event he was

1 moved. And I prepared his handwritten papers for
2 submission. I am not much of a typist, so it was --
3 this was a fairly significant donation on my part.

4 I have assisted in coordinating exam proctors.
5 I have learned more about detention in general and his
6 detention facilities in particular. I supply him
7 subscriptions to a weekly science news magazine and one
8 daily newspaper.

9 I have received his phone calls, and continue
10 an extensive correspondence with him about science, his
11 education, my education, and experience, analysis of
12 social interactions, and many other topics of mutual
13 interest.

14 I'm not the only one who has been instrumental
15 in this effort to assist him with finishing his degree,
16 or keeping his brain alive in his current situation. My
17 colleagues have sent books and maintained
18 correspondence. Through the help of the jail education
19 outreach coordinator at Lane County Adult Corrections,
20 Stan was -- and a lot of other people actually -- Stan
21 was able to take his computer competency exam and submit
22 that for grading. This is usually done on a computer in
23 a lab someplace. So we had to do some fairly
24 interesting gymnastics to get that to happen.

25 All that remains for him to finish now is one

1 Spanish course, which he's eager to start, course credit
2 by examination.

3 Through his sociology course that I got him
4 signed up with, he managed to impress another new
5 professor as well. Last week I received a note from his
6 instructor in Colorado, the sociology professor,
7 thanking me for my efforts and attention to detail that
8 enabled her to get to know Stan a bit through his
9 excellent work.

10 Everyone who spends any time around Stan sees
11 his work -- or sees his work, can see that he is
12 remarkable.

13 You might wonder why I would make the choice to
14 advocate for this person knowing what he's done, and
15 I've -- I'm horrified at what he's done. The first
16 reason is that he's bright, and it would be a tragedy to
17 discard this person.

18 My colleague in the math department, Charlie
19 Naffziger, said it best when he described the
20 interaction with Stan in his classroom this way: "I
21 just couldn't get to him fast enough. He cleared
22 everything else away to make his learning most
23 efficient. He was ready to go when he got there. He
24 just learned so fast." I noticed that. And others did
25 as well.

1 My colleagues and I would frequently discuss
2 Stan's questions in class and out. We marveled at how
3 lucky we were to be involved in his education. His
4 insight and mental connections revealed much about how
5 he was integrating the subjects within and between his
6 courses. His questions helped me become a better
7 chemist and a better teacher.

8 His options and potential seemed limitless.
9 The only one who did not know this was Stan.

10 In lockdown, I sent him copies of book chapters
11 that we did not cover in my course. We did have -- he
12 did not have access to a calculator. And these were
13 calculation-intensive sorts of projects. So I sent him
14 basically an antique tool. It's a set of log -- tables
15 of logarithms. And he would do calculations using log
16 tables. And I don't think I've seen a student do that
17 since I was in high school. So -- and he taught himself
18 in isolation with just a set of instructions that I
19 xeroxed out of a really old book.

20 The effect on him was something I was -- I was
21 predicting. He came up with many questions that I had
22 not even considered, and sent us on another thread of
23 letters and conversations.

24 That is the real thrill of getting to work with
25 Stan. He sees deeper into things than I've ever seen

1 anyone else do. His connections are much more rich, and
2 then he shares the delight of his learning with others,
3 with me, I was lucky enough to benefit.

4 The second reason I chose to help him is that I
5 do know that he has managed alone for some -- for so
6 long it is high time that stopped. Early on, I found it
7 strange that his response to even the most ordinary of
8 civilities was one of unalloyed gratitude. It was so
9 very incongruous to see someone with so much on the ball
10 have such a powerful response to being treated with
11 respect and decency. If he was expected -- if he -- if
12 he -- it was as if he expected no advocacy from anyone
13 who had any influence at all.

14 After his arrest, the pieces all fell into
15 place for me. And as the indictments and accusations
16 were released, there were many reports about Stan that I
17 knew were simply misrepresentations. This was what Stan
18 was expecting to happen to him in his interactions in
19 college. His reflexes were hunkered into a defensive
20 mode. Stan's history included some tough breaks and
21 falling through some cracks that were due to no fault of
22 his own. These tough breaks blinkered his world view.
23 And his expectations for himself and the world were very
24 low.

25 Throughout my own life, I've had advocates.

1 I've had people watching me, ready to advise, or
2 intervene, or vouch. They always seemed to appear when
3 I was in a most critical of junctures. Some were my
4 relatives and others were just people who hated to see
5 the tragic loss of potential. I was lucky. My own
6 strong sense of gratitude for my own good fortune and
7 the recognition that he's in danger of being written off
8 or sacrificed is one of the reasons that makes me step
9 up and speak up for Stan.

10 Another reason I speak for Stan is this: As I
11 mentioned in an earlier appearance in your courtroom, I
12 have a personal goal to make as many of my decisions as
13 possible be informed by real information and not just
14 anecdote. From what I have learned of Stan's situation
15 since his arrest, I believe he was doing this, basing
16 decisions on a long-range view of the facts. He looked
17 at the results himself and saw that what he was doing
18 was not working, that it was based on faulty logic, and
19 that it was counterproductive to his and his adopted
20 group's stated goals of motivated by a desire to protect
21 the environment.

22 My colleague, Dr. Carol Higginbotham, summed it
23 up best this way: "I believe Stan would have done just
24 about anything if he thought it was going to help the
25 planet."

1 When he saw that it wasn't working, he actually
2 changed his approach. The group's tactics and actions
3 divided supporters who might agree with the group's
4 motives and unified those who had opposing views. He
5 realized that he had to leave, and he had to do it alone
6 because he had no ability to lead the entire group out
7 with him. Again, he separated himself from a social
8 group and started over.

9 I can vouch for the fact that he never forgot
10 or stopped regretting what he had done. And I think his
11 shame at his own powerlessness to convince the others
12 gnawed at him almost as much as the damage does.

13 Here is a man who already makes decisions based
14 on data and acts on that information even though it's
15 obvious that it will not be easy. He's not taken the
16 easy path.

17 The final reason I speak up is that this person
18 has, again, actually achieved something that is
19 apparently very difficult to do. He has successfully
20 removed himself from a gang. The path out of these
21 types of organizations is a difficult one that few have
22 navigated successfully. If you want to see this
23 movement decline, then I would hope that you'd see that
24 reinforcing his behavior in a very public way is going
25 to send a powerful message to the others who might want

1 to quit a gang but can't imagine a way out for
2 themselves.

3 I believe that you got a full confession from
4 Stan. You got 100 percent yield on everything he's ever
5 done, and I'm not so sure you are getting the same thing
6 from everyone. It is, again, this gang's stated methods
7 to do that. He has done this at great risk to himself.
8 To mete out the level of punishment that the government
9 recommends will align well with the plans that the Front
10 have in mind for him.

11 Your Honor, there are many other details that I
12 could offer, but the upshot is this: I did these things
13 for Stan, which I could just as easily have not done, I
14 could be home recuperating from a bad cold right now,
15 but I simply -- simply because I believe in Stan's
16 potential, and I knew that I could not conceive of
17 abandoning him, too.

18 Eventually, I was hoping that he'd end up being
19 a colleague of mine someday.

20 I was very concerned last week when I heard you
21 say that your recommendations to the BOP fall on deaf
22 ears, that you have a stack of letters all saying that
23 there is no room to accommodate your stipulated
24 recommendations. I see that you realize this system is
25 not working as it should. If you are considering ever

1 experimenting with creative sentencing options and were
2 looking for a test case with a good chance of success, I
3 would suggest that Mr. Meyerhoff would be an excellent
4 choice. And I would volunteer to do whatever I could to
5 make it possible.

6 His supporters all know that he is diligent,
7 motivated, reliable and honest. I think the testimony
8 has backed that up. His honesty gave the government its
9 case.

10 I humbly request that the court consider
11 imposing the absolute minimum amount of prison time it
12 could possibly impose, and use community detention in
13 lieu of prison to get the greatest -- to the greatest
14 extent that it's possible.

15 He's demonstrated to me and others already that
16 he has marketable skills. He spent a summer working on
17 a living wage job at a local technology company and they
18 wanted him to stay but he had to go to Virginia. And
19 he's able to -- he's even begun making restitution.
20 He's useful now and can be while he finishes his
21 education. I assure you that the world has nothing to
22 gain by institutionalizing this person, and I daresay a
23 great deal to lose by it. Thank you for your time.

24 MS. WOOD: Your Honor, that concludes all the
25 people we have and evidence we have to offer on

1 Mr. Meyerhoff's behalf.

2 I would ask the court, given the hour of the
3 day, that we recess until 9 o'clock tomorrow. And I
4 will be much more succinct in being able to make the
5 legal arguments I need to make on his behalf, and point
6 out -- try and deal with all the objections to the
7 presentence report, and the objections to the
8 government's presentation, if we could do that.

9 THE COURT: I don't have a problem with that.
10 And I would just as soon start at 10:00. That will give
11 me some time to do some other matters. We have set
12 aside two days for this, anyway. We'll finish tomorrow,
13 correct?

14 MS. WOOD: We will.

15 THE COURT: Anything else?

16 MR. ENGDALL: No, Your Honor, nothing from the
17 government.

18 THE COURT: Thank you. We're in recess.

19 (The proceedings were concluded at 4:42 p.m.)
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1 CERTIFICATE

2 I, Deborah Wilhelm, Certified Shorthand Reporter
3 for the State of Oregon, do hereby certify that I was
4 present at and reported in machine shorthand the oral
5 proceedings had in the above-entitled matter. I hereby
6 certify that the foregoing is a true and correct
7 transcript, to the best of my skill and ability, dated
8 this 30th day of July, 2007.



Deborah Wilhelm
Deborah Wilhelm, RPR
Certified Shorthand Reporter
Certificate No. 00-0363